

To: Hardesty, Doug[Hardesty.Doug@epa.gov]
Cc: Ogulei, David[Ogulei.David@epa.gov]; Damico, Genevieve[damico.genevieve@epa.gov]
From: Blathras, Constantine
Sent: Wed 7/9/2014 3:00:00 PM
Subject: FW: EPA Process for Taking Over an Objected-to Part 70 Permit

Hello Doug,

We took over an IL Title V permit after an EPA Title V petition order that remanded the permit back to IEPA for further analysis. The state did not want to deal with the issues with this source, an incinerator in East St. Louis, so they gave it to EPA to issue under Part 71. David Ogulei is working on it and is close to issuing the permit. He would have the details on how we did it. I worked on the actual petition response.

The source is Veolia, formerly known as Onyx.

Thanks.

Dino Blathras

EPA Region 5

From: Hardesty, Doug [mailto:Hardesty.Doug@epa.gov]
Sent: Wednesday, July 09, 2014 9:51 AM
To: Air Permit Exchange
Subject: [permit] EPA Process for Taking Over an Objected-to Part 70 Permit

All,

I am trying to understand our procedures for taking over a Part 70 permit that has been objected to by EPA but not adequately addressed by a state? This could be in a case where the state refuses to respond at all to our objection or won't adequately fix the permit (in our opinion).

Here is what I think happens based on Part 70:

1. If we haven't already, we provide a 30-day notice to the permittee that we are taking over

the permit per 70.7(g)(5)(i).

2. This is where we seem to have a couple options in my opinion:

a. We give the permittee a chance to comment on our decision to take over the permit and an opportunity for a hearing per 70.7(g)(5)(ii), or

b. We process the permit using Part 71 per 70.8(c)(4) – as part of the Part 71 process and timing, we provide the permittee a chance to comment on the new permit and an opportunity for a hearing per 70.7(g)(5)(ii).

3. In either case, per 70.8(c)(4) we follow our P71 process by requesting an application, collecting fees, making a completeness determination, drafting a permit for public comment and issuing a final permit after responding to comments and possibly holding a public hearing.

Any opinions are welcome.

Doug Hardesty

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